

MENTAL HEALTH PROCEEDINGS AND ADVOCACY FOR ASSIGNED COUNSEL

The Committee for Public Counsel Services & Massachusetts Continuing Legal Education, Inc.

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DAY ONE

9:00 - 9:15: INTRODUCTION

An overview of topics to be covered. Introduction to the Committee for Public Counsel Services (CPCS) & administrative matters.

9:15 - 11:15: ADMISSION TO & DISCHARGE FROM MENTAL HEALTH FACILITIES {G.L. c. 123, §§ 10, 11, 12}

The ways in which persons may be admitted to and discharged from inpatient psychiatric facilities, and the consequences thereof.

11:15 - 11:30: Break

11:30 - 1:00: CIVIL COMMITMENTS {G.L. c. 123, §§ 7 & 8}

The substantive criteria and procedural requisites for commitment to a psychiatric facility.

1:00 - 2:00: Lunch

2:00 - 3:30: CIVIL COMMITMENTS (cont.)

3:30 - 3:45: Break

3:45 - 5:00: "FORENSIC" COMMITMENTS {G.L. c. 123, §§ 15, 16, 17, 18}

The evaluation of a criminal defendant's competency to stand trial and criminal responsibility; proceedings for the commitment of criminal defendants.

DAY TWO

9:00 - 11:00: COMPETENCY, INFORMED CONSENT & GUARDIANSHIP {G.L. c. 201, §§ 6, 6A, 14}

Assessing competency to make informed decisions concerning treatment. The substantive criteria and procedural requisites in guardianship proceedings; limited & full, temporary & permanent guardianships; alternatives to guardianship.

11:00 - 11:15: Break

11:15 - 12:30: GERIATRIC CLIENTS

The unique issues and difficulties presented by geriatric clients and those residing in long-term care facilities.

12:30 - 1:30: Lunch

1:30 - 3:30: SUBSTITUTED JUDGMENT PROCEEDINGS {G.L. c. 123, § 8B; c. 201, §§ 6, 6A, 14}

The substantive criteria and procedural requisites in "extraordinary treatment" proceedings; treatment plans and monitoring; reviews and expiration.

3:30 - 3:45: Break

3:45 - 5:00: SUBSTITUTED JUDGMENT PROCEEDINGS (cont.)

DAY THREE

9:00 - 11:00: LITIGATION & EVIDENTIARY ISSUES

Psychotherapist/patient privilege; expert testimony; hearsay; hospital/medical records; independent clinical evaluations.

11:15 - 11:30: Break

11:30 - 1:00: LITIGATION & EVIDENTIARY ISSUES (cont.)

1:00 - 2:00: Lunch

2:00 – 2:45: APPEALS

{G.L. c. 123, § 9}

2:45 – 3:15: ALCOHOLISM & SUBSTANCE ABUSE COMMITMENTS

{G.L. c. 123, § 35}

3:15 - 3:30: Break

3:30 – 5:00: DEFENSE COUNSEL’S ROLE

A discussion of the role of patient's counsel in commitment and authorization to treat proceedings, including CPCS Performance Standards.

DAY FOUR

9:00 - 10:30: JUDICIAL & PETITIONER’S PERSPECTIVES

10:30 - 10:45: Break

10:45 - 1:00: MOCK COMMITMENT HEARING

1:00 - 2:00: Lunch

2:00 - 3:30: MOCK “ROGERS” HEARING

3:30 - 3:45: Break

3:45 – 5:00: Q & A and Wrap-Up